

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

Faulk

Civil Action No. 18-cv-00830

Versus

Judge Robert G. James

Social Security Administration

Magistrate Judge Carol B Whitehurst

ORDER

Pending before the undersigned is A Motion For Attorneys' Fees Under the Equal Access To Justice Act ("EAJA") filed by attorney Nina C. Coleman. ("Coleman"), representing Social Security Claimant, Eric J. Faulk ("Faulk"). [Rec. Doc. 20]. For the reasons that follow, the Motion is GRANTED. Plaintiff is awarded EAJA fees of \$6,806.25. *R. 20-2*

Background

Faulk appealed the Commissioner of the Social Security Administration's denial of his application for disability insurance benefits. *R. 10*. Faulk filed a Memorandum in Support of Appeal on June 26, 2016. *Id.* The Commissioner filed an Answer on August 10, 2018. *R. 13*. This Court issued an Order and Final Judgment reversing and remanding the case to the Commissioner for further proceedings pursuant the fourth sentence of 42 U.S.C. § 405(g). *R. 20*. The instant Motion seeks an award of attorney's fees and expenses under the EAJA of \$6,806.25.

Analysis

The EAJA provides that a court shall award attorney fees and costs to a prevailing party in a civil action brought against the United States. 28 U.S.C. § 2412. Attorney fees shall be awarded to a prevailing party “unless the Court finds that the position of the United States was substantially justified or special circumstances make an award unjust.” 28 U.S.C. § 2412.(d)(1)(A). The Commissioner does not dispute that Plaintiff is the prevailing party and is, therefore, entitled to an award of fees and costs under the EAJA. The Commissioner also does not dispute either the number of hours for which Plaintiff is claiming compensation or the hourly rate sought.

Attorney Coleman states that she requests 19.25 hours at a rate of \$150.00 per hour or \$2,887.50 and the attorney-supervised paralegal, Nancy Goodwin, requests 52.25 hours at a rate of \$75.00 per hour or \$3,918.75. The Court has reviewed the Itemization of Time submitted in support of the attorney-supervised paralegal’s requests, *R. 20-1*, and agrees that 52.25 hours at a rate of \$75.00 per hour is reasonable. The EAJA fee is to be paid directly to Plaintiff, *Astrue v. Ratliff*, 130 S.Ct. 2521, 2528–29 (2010), but can be mailed to Plaintiff’s counsel.

Accordingly,

IT IS ORDERED that the Motion for Attorneys’ Fees under the Ezual access To Justice Act [Rec. Doc. 20], is **GRANTED**. The Commissioner shall remit to

Plaintiff's counsel a check made payable to "Levores James Faulk" for attorney fees in the amount of \$6,806.25 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A). The check may be mailed to Plaintiff's counsel. Full or partial remittance of the awarded fee is contingent upon a determination by the Commissioner that Plaintiff does not owe any qualifying, pre-existing debt(s) to the Government. If such debt(s) exist, the Commissioner will reduce the awarded attorney fee in this Order to the extent necessary to satisfy such debt(s) and forward the remainder of the award, as set forth herein.

THUS DONE AND SIGNED this 2nd day of October, 2019.



CAROL B. WHITEHURST
UNITED STATES MAGISTRATE JUDGE